

**Introduced by Senator Battin**

February 18, 2003

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Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XII thereof, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SCA 6, as introduced, Battin. Public Utilities Commission: election.

Under the California Constitution, the Public Utilities Commission consists of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for staggered 6-year terms. A vacancy is filled for the remainder of the term. The California Constitution authorizes the Legislature to remove a member for incompetence, neglect of duty, or corruption,<sup>2/3</sup> of the membership of each house concurring.

This measure would require the commission to consist of 5 members selected for staggered 6-year terms at general elections. The measure would require the state to be divided into 5 districts with the voters of each district selecting one member, and would provide for the establishment and adjustment of district boundaries by the Legislature. The measure would prohibit any member from serving more than 2 terms. The measure would provide for the filling of vacancies and for initial terms to establish staggered terms.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring, That the*  
2 *Legislature of the State of California at its 2003–04 Regular*  
3 *Session commencing on the second day of December 2002,*  
4 *two-thirds of the membership of each house concurring, hereby*  
5 *proposes to the people of the State of California that the*  
6 *Constitution of the State be amended by amending Section 1 of*  
7 *Article XII thereof, to read:*

8 *SECTION 1. (a) The Public Utilities Commission consists*  
9 *of 5 members appointed by the Governor and approved by the*  
10 *Senate, a majority of the membership concurring, selected for*  
11 *staggered 6-year terms. A vacancy is filled for the remainder of the*  
12 *term. The Legislature may remove a member for incompetence,*  
13 *neglect of duty, or corruption, two-thirds of the membership of*  
14 *each house concurring at general elections. The State shall be*  
15 *divided into 5 Public Utilities Commission districts with the voters*  
16 *of each district selecting one member. No member may serve more*  
17 *than 2 terms.*

18 *(b) The Legislature shall establish, and in the year following*  
19 *the year in which the national census is taken under the direction*  
20 *of Congress at the beginning of each decade, the Legislature shall*  
21 *adjust, the boundary lines of the Public Utilities Commission*  
22 *districts in conformance with the following standards:*

23 *(1) Each member of the Public Utilities Commission shall be*  
24 *selected from a single-member district.*

25 *(2) The population of the districts shall be reasonably equal.*

26 *(3) Districts shall be contiguous.*

27 *(4) Districts shall be numbered consecutively, commencing at*  
28 *the northern boundary of the state and ending at the southern*  
29 *boundary.*

30 *(5) The geographical integrity of a city, county, or city and*  
31 *county, or of a geographical region shall be respected to the extent*  
32 *possible without violating the requirements of another paragraph*  
33 *of this subdivision.*

34 *(c) If there is a vacancy on the Public Utilities Commission, the*  
35 *Governor shall nominate a person to fill the vacancy who shall*  
36 *take office upon confirmation by a majority of the membership of*  
37 *the Senate and a majority of the membership of the Assembly and*  
38 *who shall hold office for the balance of the unexpired term. If the*  
39 *nominee is neither confirmed nor refused confirmation by both the*  
40 *Senate and the Assembly within 90 days of the submission of the*

1 nomination, the nominee shall take office as if he or she had been  
2 confirmed by a majority of the Senate and Assembly. However, if  
3 the 90-day period ends during a recess of the Legislature, the  
4 period shall be extended until the sixth day following the day on  
5 which the Legislature reconvenes.

6 (d) To establish staggered terms among the members of the  
7 Public Utilities Commission, the following members shall be  
8 selected at the first general election following January 1, 2004, as  
9 follows:

- 10 (1) One member shall serve a 2-year term.  
11 (2) Two members shall each serve 4-year terms.  
12 (3) The remaining members shall serve full 6-year terms.

